



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,967	12/15/2003	Sunny en Liung Huang	7472	3378

7590 02/01/2006  
Paul M. Denk  
Ste. 170  
763 S. New Ballas Road  
St. Louis, MO 63141

EXAMINER

PUROL, DAVID M

ART UNIT	PAPER NUMBER
----------	--------------

3634

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/735,967

Applicant(s)

HUANG, SUNNY EN LIUNG

Examiner

David M. Purol

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 2-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit 3634

1. Applicant's election with traverse of Species I, drawn to Figures 1,2 is acknowledged. The traversal is on the grounds that it would appear that the embodiments of Figure 5 which is in Species 2 in addition to Figures 22,23,25,29 are very much related to the species as shown in Figures 1 and 2 and should also be processed in association therewith. This is not convincing for the applicant has failed to state for the record that the species are not patentably distinct from each and are merely obvious variants.

The applicant states that claims 1-6 read on the elected Species I. However, from an inspection of the claims it is noted that claim 2 recites the collapsible shade as comprising two compressible members which is beyond the scope of the elected species. Accordingly, in addition to claims 7-15, claims 2-6 have been withdrawn from consideration pursuant to 34 CFR 1.142(b) as being drawn to a nonelected species.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:


A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being unpatentable over Naterman. Naterman discloses a shade comprising a shade 29 of first and second materials forming a pocket 31,36, and a compressible member 14-20. That portion 19,20 of the compressible member of Naterman which extends beyond a portion of the perimeter boundary of the material portion of the shade 29 responds to a compressible member extending beyond the perimeter boundary of the material portion.

Art Unit 3634

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being unpatentable over Bruhl. Bruhl discloses a shade comprising a material portion 6, compressible members 8,9 extending beyond the perimeter boundary of the material portion.
4. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Stanton et al, Huang '262 and '460, Chan, Zheng '147, '697, and '052, and Hwang.
5. Any inquiry concerning this communication should be directed to David M. Purol at telephone number (571) 272-6833.

  
David M Purol  
Primary Examiner  
Art Unit 3634